

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Cellular Phone of Kentucky, Inc.,
Litchfield County Cellular, Inc. d/b/a Ramcell of
Kentucky, and Litchfield County Cellular, Inc.
d/b/a Ramcell of Oregon
File Nos. EB-07-SE-145 and EB-07-SE-146
NAL/Acct. No. 200732100041
FRN: 0001801307

ORDER

Adopted: August 7, 2007

Released: August 7, 2007

By the Chief, Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Enforcement Bureau ("Bureau") of the Federal Communications Commission (the "FCC" or "Commission") and Cellular Phone of Kentucky, Inc., Litchfield County Cellular, Inc. d/b/a Ramcell of Kentucky, and Litchfield County Cellular, Inc. d/b/a Ramcell of Oregon ("Ramcell Licensees"). The Consent Decree terminates the Bureau's investigations into the Ramcell Licensees' compliance with the Enhanced 911 requirements set forth in Section 20.18(g)(1)(i)-(v) of the Commission's Rules ("Rules"),<sup>1</sup> and the hearing aid compatibility requirements for digital wireless handsets set forth in Section 20.19(c)(2) of the Rules.<sup>2</sup>

2. The Enforcement Bureau and the Ramcell Licensees have negotiated the terms of a Consent Decree that would resolve these matters and terminate the investigations. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. Based on the record before us, we conclude that no substantial or material questions of fact exist with respect to this matter as to whether the Ramcell Licensees possess the basic qualifications, including those related to character, to hold or obtain any FCC license or authorization.

4. After reviewing the terms of the Consent Decree, we find that the public interest would be served by adopting the Consent Decree and terminating the investigations.

5. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Act and the authority delegated by Sections 0.111 and 0.311 of the Commission's rules,<sup>3</sup> that the attached Consent Decree IS ADOPTED.

6. IT IS FURTHER ORDERED that the above-captioned investigatory proceedings ARE TERMINATED.

1 47 C.F.R. § 20.18(g)(1)(i)-(v).
2 47 C.F.R. § 20.19(c)(2).
3 47 U.S.C. § 154(i); 47 C.F.R. §§ 0.111, 0.311.

7. **IT IS FURTHER ORDERED** that the Ramcell Licensees shall make their voluntary contribution to the United States Treasury, as specified in the Consent Decree, by credit card through the Commission's Debt and Credit Management Center at (202) 418-1995, or by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank/LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106. The payment should reference NAL/Acct. No. 200732100041 and FRN # 0001801307.

8. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to William Sill, Esq., Wilkinson Barker Knauer, LLC, 2300 N Street, NW, Suite 700, Washington, DC 20007.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith  
Chief, Enforcement Bureau

**CONSENT DECREE**

The Enforcement Bureau (“Bureau”) of the Federal Communications Commission (“Commission”), and Cellular Phone of Kentucky, Inc. (“CPK”), Litchfield County Cellular, Inc. d/b/a Ramcell of Kentucky (“LCC Kentucky”), and Litchfield County Cellular, Inc. d/b/a Ramcell of Oregon (“LCC Oregon”) (collectively the “Ramcell Licensees”), by their authorized representatives, hereby enter into this Consent Decree regarding Ramcell Licensees’ compliance with the Enhanced 911 (“E-911”) requirements set forth in Sections 20.18(g)(1)(i)-(v) of the Commission’s Rules (“Rules”), 47 C.F.R. § 20.18(g)(1)(i)-(v), and the Hearing Aid Compatibility requirements set forth in Section 20.19(c)(2) of the Rules, 47 C.F.R. § 20.19(c)(2).

**I. BACKGROUND**

1. By Memorandum Opinion and Order released April 11, 2007 (the “*Wireless Hearing Aid Compatibility Waiver Order*”), the Commission denied CPK’s and LCC Kentucky’s petitions for waiver of Section 20.19 of the Commission’s wireless hearing aid compatibility rules. The Commission referred the matter of CPK’s and LCC Kentucky’s compliance to the Enforcement Bureau. CPK and LCC Kentucky timely filed a Petition for Reconsideration of the *Wireless Hearing Aid Compatibility Waiver Order* on May 11, 2007, which remains pending.

2. By Order released May 2, 2007 (the “*E911 Waiver Order*”), the Commission denied in part the Ramcell Licensees’ requests for waiver of Section 20.18(g)(1)(i)-(v) of the Commission’s E-911 rules. The Commission referred the matter to the Enforcement Bureau. The Ramcell Licensees timely filed a Petition for Reconsideration of the *E911 Waiver Order* on June 1, 2007, which remains pending.

3. On April 30, 2007, the Wireless Telecommunications Bureau (“WTB”) granted the Ramcell Licensees’ applications for consent to assign their respective Part 22 cellular and other licenses to Cellco Partnership d/b/a Verizon Wireless (the “Applications”).

**II. DEFINITIONS**

4. For the purposes of this Consent Decree the following definitions shall apply:
- (a) “Act” means the Communications Act of 1934, as amended U.S.C. §§ 151 *et seq.*;
  - (b) “Adopting Order” means an order of the Bureau adopting the terms and conditions of this Consent Decree;
  - (c) “Applications” means the Applications for Commission consent to the assignment of the Ramcell Licensees’ spectrum licenses, File Nos. 0002962219 and 0002962269.
  - (d) “Bureau” means the Enforcement Bureau of the Federal Communications Commission;
  - (e) “Commission” means the Federal Communications Commission;
  - (f) “Compliance Plan” means the processes and procedures to be developed by Ramcell Licensees to ensure compliance with the Communications Act and the Commission’s Rules;

- (g) “E911 Waiver Order” means *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Petitions for Waiver of Cellular Phone of Kentucky, Inc., Litchfield County Cellular, Inc. d/b/a Ramcell of Kentucky, and Litchfield County Cellular, Inc. d/b/a Ramcell of Oregon*, Order, CC Docket No. 94-102, 22 FCC Rcd 8927 (2007);
- (h) “Effective Date” means the date the Bureau releases the Adopting Order;
- (i) “Enforcement Proceedings” means the investigations of the alleged Rule violations by the Ramcell Licensees referenced in the *Wireless Hearing Aid Compatibility Waiver Order* and the *E911 Waiver Order* and referred to the Enforcement Bureau;
- (j) “*Wireless Hearing Aid Compatibility Waiver Order*” means *Section 68.4(a) of the Commission’s Rules Governing Hearing Aid-Compatible Telephones, Petitions for Waiver of Section 20.19 of the Commission’s Rules*, Memorandum Opinion and Order, WT Docket No. 01-309, 22 FCC Rcd 7171 (2007);
- (k) “Parties” means the Ramcell Licensees and the Bureau;
- (l) “Petitions for Reconsideration” means, collectively, the Petition for Reconsideration of Cellular Phone of Kentucky, Inc. and Litchfield County Cellular, Inc. d/b/a Ramcell of Kentucky, filed May 11, 2007, in WT Docket No. 01-309, and the Petition for Reconsideration filed by Cellular Phone of Kentucky, Inc., Litchfield County Cellular, Inc. d/b/a Ramcell of Kentucky, and Litchfield County Cellular, Inc. d/b/a Ramcell of Oregon, filed June 1, 2007, in CC Docket No. 94-102;
- (m) “Ramcell Licensees” means, collectively, Cellular Phone of Kentucky, Inc., Litchfield County Cellular, Inc. d/b/a Ramcell of Kentucky, and Litchfield County Cellular, Inc. d/b/a Ramcell of Oregon; and
- (n) “Rules” means the Commission’s Rules found in Title 47 of the Code of Federal Regulations.

### III. TERMS OF AGREEMENT

5. The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order.

6. The Parties agree that this Consent Decree shall become binding on the Parties on the Effective Date. The Ramcell Licensees and the Bureau represent and warrant that its signatory is duly authorized to enter into this Consent Decree on its behalf. Upon release, the Adopting Order and this Consent Decree shall have the same force and effect as any other final order of the Commission and any violation of the terms or conditions of this Consent Decree shall constitute a violation of a Commission order.

7. The Ramcell Licensees acknowledge that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

8. The Parties waive any and all rights they may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided that the Adopting Order adopts the Consent Decree without

change, addition or modification.

9. The Ramcell Licensees agree that they will request withdrawal of their pending Petitions for Reconsideration within five (5) business days of the Effective Date.

10. The Ramcell Licensees waive any rights they may have under any provision of the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters discussed in this Consent Decree.

11. The Parties agree that this Consent Decree does not constitute either an adjudication on the merits or a factual or legal finding or determination of any compliance or noncompliance by the Ramcell Licensees with the Act or the Rules. The Parties further agree that this Consent Decree is for settlement purposes only and that by agreeing to the Consent Decree, the Ramcell Licensees do not admit or deny any noncompliance, violation, or liability associated with or arising from its acts or omissions involving the Act or the Rules that are the subject of this Consent Decree.

12. In express reliance on the covenants and representations in this Consent Decree, the Bureau agrees to terminate the Enforcement Proceedings.

13. The Ramcell Licensees agree that, if the transaction contemplated in the Applications is not consummated within 6 months after the Effective Date, they will notify, in writing, the Chief, Enforcement Bureau, Federal Communications Commission, Washington, D.C., and will present a draft compliance plan to the Bureau within 15 days thereafter.

14. The Parties acknowledge that this Consent Decree shall constitute a final settlement between the Ramcell Licensees and the Bureau regarding all matters in the *E911 Waiver Order* and the *Wireless Hearing Aid Compatibility Waiver Order* relating to the Ramcell Licensees and referred to the Enforcement Bureau or otherwise from these Enforcement Proceedings. In consideration for termination by the Bureau of the Enforcement Proceedings and in accordance with the terms of this Consent Decree, the Ramcell Licensees agree to the terms set forth herein.

15. The Bureau agrees that, in the absence of new material evidence, it will not entertain, or institute on its own motion, any new proceeding, formal or informal, or take any action on its own motion against the Ramcell Licensees for possible violations of the Rules specified in the *E911 Waiver Order* and the *Wireless Hearing Aid Compatibility Waiver Order*. The Bureau also agrees that, in the absence of new material evidence, it will not initiate or recommend to the Commission any new proceeding, formal or informal, against the Ramcell Licensees regarding any matter arising from the Enforcement Proceedings. The Bureau further agrees that, in the absence of new material evidence, the facts developed in the Enforcement Proceedings through the Effective Date will not be used by the Bureau to initiate on its own motion, or recommend to the Commission, any proceeding, formal or informal, or take any action on its own motion against the Ramcell Licensees with respect to their basic qualifications to hold Commission licenses or authorizations. Nothing in this Consent Decree shall prevent the Commission from instituting investigations or enforcement proceedings against the Ramcell Licensees in the event of any other alleged misconduct that occurs after the Effective Date of this Consent Decree that would violate this Consent Decree or that would violate any provision of the Act or the Rules.

16. The Parties agree that each is required to comply with each individual condition of this Consent Decree. Each specific condition is a separate condition of the Consent Decree as approved. To the extent that the Ramcell Licensees fail to satisfy any condition, in the absence of Commission alteration of the condition, they will be deemed noncompliant and may be subject to possible future enforcement action with respect to such failure to satisfy the condition.

17. The Parties also agree that any provision of this Consent Decree which conflicts with any subsequent rule, order of general applicability or other decision of general applicability adopted by the Commission will be superseded by such Commission rule, order or other decision.

18. The Ramcell Licensees agree to make a voluntary contribution to the United States Treasury in the amount of Twenty-Five Thousand Dollars (\$25,000) within thirty (30) calendar days of the Effective Date. Such contribution shall be made, without further protest or recourse, by credit card through the Commission's Debt and Credit Management Center at (202) 418-1995, or by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank/LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106. The payment should reference NAL/Acct. No. 200732100041 and FRN # 0001801307.

19. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither the Ramcell Licensees nor the Commission shall contest the continuing validity of the Consent Decree or Adopting Order. The Parties agree to comply with, defend and support the validity of this Consent Decree and the Adopting Order in any proceeding seeking to nullify, void or otherwise modify the Consent Decree or the Adopting Order.

20. The Parties agree that in the event that any court of competent jurisdiction renders this Consent Decree invalid, this Consent Decree shall become null and void and may not be used in any manner in any legal proceeding.

21. The Parties agree that the requirements of this Consent Decree shall expire the earlier of (i) two (2) years after the Effective Date, or (ii) when the transaction contemplated in the Applications has been consummated *and* the payment referenced at paragraph 18 have both occurred.

22. This Consent Decree cannot be modified without the advance written consent of all of the Parties.

23. This Consent Decree may be signed in counterparts.

For: **Federal Communications Commission  
Enforcement Bureau**

By: \_\_\_\_\_  
Kris Anne Monteith  
Chief, Enforcement Bureau

\_\_\_\_\_ Date

For: **Cellular Phone of Kentucky, Inc.  
Litchfield County Cellular, Inc. d/b/a Ramcell of Kentucky  
Litchfield County Cellular, Inc. d/b/a Ramcell of Oregon**

By: \_\_\_\_\_  
Kelly Ramsey  
Vice President

\_\_\_\_\_ Date